

OCT 12 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
STEPHEN F. GASS, DAVID S. D'ASCENZO and
DAVID A. FANNING

Date: October 12, 2004

Serial No.: 09/929,238

Examiner Thomas J. Druan

Filed: August 13, 2001

Group Art Unit 3724

For: MITER SAW WITH IMPROVED SAFETY SYSTEM

To: Commissioner for Patents
Attention: Examiner Thomas J. Druan
Group Art Unit 3724
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION OF STEPHEN F. GASS

I, Stephen F. Gass, declare as follows:

1. I am a named inventor in the above-identified application.

2. I am a member of applicant SD3, LLC.

3. In an Office Action mailed June 16, 2004, the Examiner rejected claims in the above-identified application under 35 U.S.C. §103(a) in light of U.S. Patent No. 5,184,534 to Lee in view of U.S. Patent No. 4,117,752 to Yoneda. I am filing this declaration to traverse those rejections and to submit evidence concerning non-obviousness.

4. My educational background is in physics. In 1986 I earned a Bachelor of Science degree in physics from Oregon State University, and graduated summa cum laude. In 1990 I was awarded a Ph.D. degree in physics from the University of California San Diego.

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5. The U.S. Consumer Product Safety Commission, National Electronic Injury Surveillance System, Directorate for Epidemiology, reports that every year in the United States there are over 90,000 people severely injured with power saws. These are all severe injuries that require a visit to a hospital emergency room. About 10% of these injuries result in amputations. The number and severity of these injuries shows there is a long felt need for safer saws. Others have tried to solve this problem, as evidenced by the Lee and Yoneda patents cited by the Examiner. However, the continued high number of severe injuries shows that those attempts have failed. Saws constructed as required by the claims currently pending in the above-identified application have the potential to significantly reduce the severity of these injuries.

6. The technology which is the basis for saws constructed as required by applicant's currently pending claims has been recognized with at least the following awards:

- **Chairman's Commendation.** The U.S. Consumer Product Safety Commission awarded the technology a Chairman's Commendation for significant contributions to product safety. That award was reported nationally on CNN Headline News.
- **Challenger's Award.** At an International Woodworking Fair in Atlanta, Georgia, the technology won the Challenger's Award, which is the woodworking industry's highest honor. It recognizes the most innovative and technically advanced improvements to woodworking equipment.
- **Popular Science – One of the 100 Best New Innovations.** The magazine *Popular Science* identified the technology as one of the 100 best new innovations of 2002.

- Workbench Magazine – One of the Top 10 Tools for 2003. *Workbench* magazine included the saws incorporating the technology on its list of the top 10 innovative tools for 2003.

- Woodwork Institute of California Endorsement. The Woodwork Institute of California has endorsed the technology, stating:

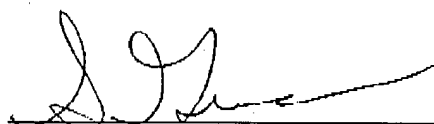
As a Trade Association in the construction industry (representing over 250 manufacturers of architectural millwork with an excess of 4,000 employees, all of whom use saws of one type or another) we find your SawStop technology and its potential of eliminating or reducing worker injury of extreme significance. Generally, we would not endorse a commercial product; however the potential benefit to our members and their employees of implementing the SawStop technology on the tools used within our industry overrides such.

- Editor's Choice Award, Tools of the Trade. The magazine *Tools of the Trade* awarded the technology its 2001 Editor's Choice Award in recognition of its significance.

7. The technology that is the basis for the currently pending claims has also been the subject of extensive media coverage, including national coverage by CNN Headline News, by the television program NEXT@CNN, by the Associated Press, and by Paul Harvey on the ABC Radio Network. Numerous magazines have published reports about the technology saying it is "revolutionary," "unique" and "ingenious."

8. I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: October 12, 2004

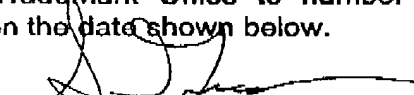


Stephen F. Gass

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office to number (703) 872-9306, attention Examiner "Thomas J. Druan, on the date shown below.

Date: October 12, 2004



Stephen F. Gass